

# Asylum Seekers

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*A Supplement to First Steps: An LIRS Guide  
for Refugees, Asylum Seekers, and Migrants  
Released from Detention*

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**Lutheran Immigration  
and Refugee Service**

*Edition 2014*

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## DEDICATION

“This guide is dedicated to those who have fled persecution, torture, and violations of basic human rights and dignity. To the countless refugees, asylum seekers, survivors of torture and persecution, and migrants who have exercised courage most humans will never be able to comprehend: may you find safety, the freedom to direct your own lives, and a spirit of welcome here in America.”

—Angela Edman, LIRS Staff Attorney

“To all the survivors out there, I want them to know that we are stronger and more resilient than we ever knew. We survived, that should be enough but it isn’t. We must work hard to become whole again, to fill our soul with love and inspiration, to live the life that was intended for us before it was disrupted by war and horrors, and help rebuild a world that is better than the one we had just left.”

—Loung Ung, Cambodian-American Human Rights Activist

2014 Lutheran Immigration & Refugee Service

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Started by Lutheran congregations in 1939, Lutheran Immigration and Refugee Service (LIRS) is a national organization walking with migrants and refugees through ministries of service and justice, transforming U.S. communities by ensuring that newcomers are not only self-sufficient but also become connected and contributing members of their adopted communities in the United States.



# ASYLUM SEEKERS

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## **H** ow to Use This Handout

*This handout provides information on rights, responsibilities, and benefits available specifically for individuals seeking asylum in the United States. It discusses important issues, problems, and questions that come up throughout the asylum seeking process.*

This handout provides a short summary of information found in the LIRS publication titled, *First Steps: An LIRS Guide for Refugees, Asylum Seekers, and Migrants Released from Detention*, referred to here as the "Guide." The Guide is a much longer document that provides important detailed information for asylum seekers, as well as refugees, asylees, and those who are seeking or have "withholding of removal" or protection under the Convention Against Torture. Other supplements or handouts will be available for those with different statuses, such as lawful permanent residents, and those seeking protection from other crimes, abuse, or human trafficking.

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**If you are an asylum seeker:** use this handout to answer questions and find resources. For more detailed information, see the main Guide, available at [www.lirs.org/firststeps](http://www.lirs.org/firststeps). You should ask your lawyer, caseworker, social worker, or other expert you may be seeing for community or social services to use the Guide to help find resources and information for you. They may already have a copy, but you may need to show them the website link.

**Important!** This guide provides information about the law; however, you should always consult with a lawyer for legal questions. Do not rely on this guide instead of seeking the advice of a lawyer.

**If you are a provider of legal, social, medical, or community services:** This handout is a reference guide for your clients. Please utilize the Guide, found at [www.lirs.org/firststeps](http://www.lirs.org/firststeps), to help your clients find more detailed information and resources.

**If you are a church or faith-based organization:** Please distribute this handout to asylum seekers in your congregation. Please share this handout with other churches and religious groups, ethnic community groups, and organizations in your communities and networks, particularly those that attract asylum seekers and migrants. Please also assist us in distributing this handout to homeless shelters, colleges, and other institutions or organizations in your community that may attract asylum seekers and migrants. You may contact us for more copies at [firststeps@lirs.org](mailto:firststeps@lirs.org).

For more detailed information on topics that appear in this publication, please refer to the following sections in the Guide:

- Section One: general information and resources for living in the U.S. as an immigrant, what to do in an emergency,

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and how to find important resources;

- Section Two: legal rights and responsibilities, including information on legal services, immigration consequences of criminal convictions, rights when arrested or detained, and requirements for changes of address, among other topics;
- Section Three: basic services and needs, including details on benefits, healthcare, education, and housing;
- Section Four: integration and community support, including religious and cultural groups, emotional support, financial tips, and lists of helpful resources.

### What is Asylum, and How Do I Apply?

Asylum is a form of protection available to people who have fled their home country to come to the U.S. To be eligible for asylum, you must demonstrate that you fit into the legal definition of a refugee. You must prove that:

1. You fled your home country,
2. Because you have suffered past persecution or have a well-founded fear of future persecution, and
3. This persecution is based on at least one of five things; your:
  - a. race,
  - b. religion,
  - c. nationality,
  - d. political opinion, or
  - e. membership in a particular social group, and
4. Your government is unwilling or unable to protect you from this persecution.

“Persecution” is a serious violation of your human rights, meaning you have experienced or are in danger of being killed, beaten,

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threatened, tortured, detained, jailed, sexually abused, kidnapped, or otherwise having your rights or freedoms taken away. Even treatment that is not life-threatening can amount to persecution when it happens repeatedly, such as discrimination, harassment, or being prevented from working, going to school, or owning land.

There are two ways to apply for asylum:

1. You can apply “affirmatively,” with USCIS (U.S. Citizenship and Immigration Services) *only* if you came into the U.S. legally on another type of visa, or were granted parole at a port of entry, and are not in removal proceedings in court. In this case, you will submit an application and be interviewed by an Asylum Officer.
2. You must apply “defensively” with an Immigration Judge in court if you are in removal proceedings, either because you entered the U.S. without a valid visa (and were likely placed in immigration detention until passing a credible fear interview—discussed below), you were arrested for a crime, or your immigration status expired.

In either case, you must file Form I-589, Application for Asylum and Withholding of Removal, located at [www.uscis.gov/i-589](http://www.uscis.gov/i-589). You will answer questions about your identity, history, family, and reasons you left your country. You will write a “personal declaration,” which is like a story of your life that focuses special attention on the reasons you left your country and that shows how you qualify as a refugee. You will also be asked to provide evidence or documentation of your identity and persecution you have suffered or fear you may suffer.

**Important!** This handout does not include detailed instructions on how to fill out your application, and what documents and evidence

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to include. **We highly recommend you find a lawyer to help you**, because the application process is very confusing, and your chances of success are much higher with a lawyer. **If you cannot find a lawyer, please use the Florence Immigrant and Refugee Rights Project self-help guide on how to apply for asylum, available at [http://www.firrp.org/media/Asylum\\_WOR\\_CAT-Guide-2013.pdf](http://www.firrp.org/media/Asylum_WOR_CAT-Guide-2013.pdf).**

### ***What Do I Do If My Case was Not Granted?***

After you have submitted your asylum application, the Immigration Judge or Asylum Officer may approve your application and grant asylum. If your case is not approved, several things could happen, depending on whether you filed affirmatively (with an Asylum Officer at USCIS) or defensively (in Immigration Court).

If you applied affirmatively, USCIS may

- **Refer your case to Immigration Court** if they were unable to make a decision, and you do not have legal status in the U.S. You do not have to re-submit your application, and USCIS will give you instructions. This referral will also include your spouse and unmarried children under 21 who are also in the U.S. without legal status and were included on your asylum application.
- **Recommend approval** if USCIS is just waiting for your security checks to clear. Your spouse and unmarried children who are present in the U.S. and included on your asylum application will also be included, provided you established your relationship with them. During this time, you and your spouse can apply for a work permit. After the security check clears, you will be granted asylum.
- **Issue a Notice of Intent to Deny** if you are in the U.S. with valid legal status, but USCIS does not believe you are eligible for asylum. **You will have 16 days to appeal by explaining**

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in writing why the claim should be granted or submitting new evidence to support the claim, or both.

- **Issue a final Notice of Intent to Deny** if you did not submit your appeal within 16 days, or your reasons did not prove you were eligible for asylum.

If you applied defensively:

- **The Immigration Judge may deny your case** if he believes that you are not eligible for asylum. At the end of your hearing, the judge will ask if you want to appeal the decision. It is important that you say “yes.” The judge will then give you paperwork with instructions on how to appeal your case to the Board of Immigration Appeals (BIA). **You must file this paperwork to appeal within 30 days, or you will lose the right to appeal.** This is a very difficult process, and you should see an attorney for help. Also see the Florence Project’s guide to appealing your case at [www.firrp.org/media/BIA-Appeal-Guide-2013\\_new-BIA-address-2013.pdf](http://www.firrp.org/media/BIA-Appeal-Guide-2013_new-BIA-address-2013.pdf).
- If you already appealed with the BIA, and the BIA denied your claim as well, you may be able to appeal to a U.S. Circuit Court of Appeals. See a lawyer for help with this.
- Just as you have 30 days to appeal if you disagree with the judge’s decision, the Immigration and Customs Enforcement (ICE) government attorney also has 30 days to appeal if he or she disagrees with the judge’s decision. The Immigration Judge may grant asylum, but be aware that the ICE attorney may appeal, and if so you will have to go back to court to answer to the appeal.

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### Note: Immigration Detention for Asylum Seekers and Credible Fear Interviews

As an asylum seeker, unless you came into the U.S. on a valid visa, you were likely arrested at the border and placed in immigration detention to wait for a “credible fear interview” (CFI). This means an Asylum Officer interviews you to determine whether it is possible that you are afraid to return to your country for a reason that would make you eligible for asylum—in other words, whether you stand a chance of winning your case before a judge.

Note: If you were previously removed and came back to the U.S., were ordered removed but never left, or were convicted of an aggravated felony, you will undergo a similar process called a “reasonable fear interview” (RFI), but you must wait longer for that.

If you do not pass your CFI or RFI, you may appeal to an Immigration Judge. If the judge disagrees with the Asylum Officer and decides there is the possibility of persecution upon your return to your country, you will be allowed to proceed with your application. If the judge decides that you do not have a credible fear of persecution, you will be returned to immigration officials for removal. There is no appeal of the judge’s decision.

Those who do pass the CFI must then apply for asylum “defensively” in Immigration Court. If you passed your CFI, it is important to remember that you have not won asylum, but have been given the chance to *apply* for asylum. You are still in removal proceedings, and must attend all of your court hearings until your case is complete.

If you pass your CFI, several things may happen regarding your detention while you prepare your defensive asylum case.

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If you were arrested while entering the U.S. at a port of entry, you may request release “on parole,” which means you are asking the government to release you from detention while your immigration case goes forward. You must have identification documents, and must show immigration authorities that you have a sponsor or tie in the community who will agree to provide food and shelter if you are released; that you will show up to all your immigration hearings in court; and that you are not a danger to the community. Unfortunately, there is no way to appeal a negative parole decision. However, if you have been detained for longer than six months, contact an immigration attorney.

If you were arrested somewhere *other* than a port of entry to the U.S., have not been convicted of certain crimes, and passed your credible or reasonable fear interview, you may request release on bond. You are requesting that an Immigration Judge release you from detention while your immigration case goes forward, and allow you (or a sponsor) to pay a “bond,” or a large sum of money to guarantee you will show up to your immigration hearings if you are released. If you show up to your hearings and obey the judge’s order, the bond will be returned when the case is over. You must show the judge you are not a danger to the community, and that you will show up to your immigration court hearings. If your bond request is rejected, you may appeal. For more information, see the Florence Project’s bond guide, at [www.firrp.org/media/Bond-Guide-2013.pdf](http://www.firrp.org/media/Bond-Guide-2013.pdf). For information on appealing a negative bond decision, see the Florence Project’s guide on appeals, starting at page 12 for bond appeals, at [www.firrp.org/media/BIA-Appeal-Guide-2013.pdf](http://www.firrp.org/media/BIA-Appeal-Guide-2013.pdf).

Many asylum seekers wish to be released as soon as possible, as it is easier to find a lawyer and focus on the case without having

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to deal with the stresses of detention. However, some prefer to stay in detention, because cases for detained asylum seekers move more quickly than for those who have been released.

If you are not sure what to do, or have been waiting for your CFI for more than 14 days, ask immigration detention officials for the list of free or low-cost immigration lawyers, and contact one. Unfortunately, those awaiting RFIs must often wait several months.

For more information on the credible fear process, see the Florence Project’s guide, at: <http://www.firrp.org/media/CF-RF-Guide-2013.pdf>.

### ***Can Anything Prevent Me from Applying for Asylum?***

**Important! You must file for asylum within one year of entering the U.S.** If you have been in the U.S. for more than one year, you are not eligible for asylum! There are only two exceptions: circumstances in your country must have changed such that you are now at risk for new or increased persecution, or there were extraordinary circumstances that kept you from applying within one year.

You will be **ineligible** for asylum if you:

- missed the one year filing deadline (with the few exceptions),
- have committed or been convicted of an aggravated felony,
- have committed or been convicted of a particularly serious crime in the U.S. and are a danger to the community,
- have strong ties to another country and have been firmly resettled there,
- have ever persecuted another person based on their race, religion, nationality, political opinion, or particular social group,
- committed a serious, non-political crime in your country, or
- are considered a terrorist or otherwise dangerous to the U.S.

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If you missed the one-year filing deadline or have any arrests or criminal convictions, it is especially important that you find a lawyer to help with your application.

### ***Am I an Asylum Seeker? What If I Am Not Eligible for Asylum?***

You are considered an "asylum seeker" if you have (1) applied for asylum, (2) indicated a plan to apply for asylum, or (3) indicated a plan to apply for withholding of removal. Withholding of removal (WOR) is a form of protection similar to asylum, but with fewer rights, which you may be eligible for if you are not eligible for asylum for one of the reasons mentioned above. When you apply for asylum, you can also apply for WOR at the same time using the same form. You should do this in case a judge finds you ineligible for asylum. If you are a survivor of torture, you may also apply for protection under the Convention Against Torture (CAT). Please see the Guide for details on WOR and CAT protection.

### ***Will the Government or People in My Home Country Find Out I Applied for Asylum? Will I, or My Family, Be in Danger If I Apply?***

Everything you tell the U.S. government about your reasons for seeking asylum, past persecution you faced, future persecution you fear, or family members who remain in your home country, is **confidential**. This means the U.S. government *will not* communicate with people or the government in your home country, or anyone else, about your application. It is important to be completely honest and tell your story to the U.S. government when you apply, because if the government finds out you were dishonest, you could lose your case. If you feel afraid to speak about things that happened to you, explain this to your lawyer and your Asylum Officer or Immigration Judge, but make sure you answer all their questions fully and honestly, or your case could be in danger.

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The same is true for your lawyer or other legal services provider. Everything you tell your lawyer will remain confidential. It is extremely important that you be completely honest with your lawyer about everything, even crimes or other things you may be ashamed about. This will allow your lawyer to figure out how to best help you.

### **How Do I Find a Good Lawyer?**

Applying for asylum is difficult and confusing, and it is best to find a lawyer (also called an attorney), or a BIA accredited representative. BIA accredited representatives (also called BIA representatives) are not lawyers, but are approved as immigration experts by the Board of Immigration Appeals, which is part of the U.S. Immigration Court system. Legal services for asylum seekers are often available for less money, or sometimes for free.

### ***How Do I Avoid Immigration Scams and False Legal Advice?***

**Be careful.** There are many people who pretend to be immigration experts or lawyers. They target immigrants who are in desperate need of legal help by promising fast results, charging a lot of money, but then sometimes doing nothing or filling incorrect paperwork. This can put your case in real danger. It can be difficult to tell the difference between this type of fraud or scam, and real immigration legal service providers. It is important to make sure the person helping you is either an immigration lawyer or a BIA accredited representative.

Unfortunately, many times false information can come from inside immigrant communities as well. False information and rumors about how to apply for asylum or other benefits such as a Social Security card or work permit, or what to say in your asylum application, spread through immigrant communities. Many times, other immigrants will

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instruct you to lie, leave out important information, or tell specific stories to judges, Asylum Officers, or lawyers. Following this advice will put your case in great danger. It is important to remember that while other immigrants are often trying to help you, they may also have been given false information, and you should only take immigration advice from a legitimate legal services provider.

The U.S. Citizenship and Immigration Services (USCIS) website has very important information on scams.

- For general information on how to avoid scams, see <http://www.uscis.gov/avoid-scams>.
- For tips on how to identify common scams, see [www.uscis.gov/avoid-scams/common-scams](http://www.uscis.gov/avoid-scams/common-scams).
- For tips on finding authentic legal services, see [www.uscis.gov/avoid-scams/find-legal-services](http://www.uscis.gov/avoid-scams/find-legal-services).

### ***How Can I Identify Fraud or Scams?***

- Know the names of important government agencies. You should only receive communication from the following government agencies about your case:
  - The Department of Homeland Security (DHS) is the federal agency that oversees immigration. Within DHS, U.S. Citizenship and Immigration Services (USCIS) is in charge of immigration services, Immigration and Customs Enforcement (ICE) enforces immigration laws within the U.S., and Customs and Border Protection (CBP) enforces immigration laws at the border.
  - The Executive Office of Immigration Review (EOIR) is within the Department of Justice (DOJ), and is in charge of the immigration court system.

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- Criminals may call you pretending to be from the IRS or another government agency, and may say you owe the government money and must pay immediately or you will be sued or deported. This is a scam. Do not send money, or give your social security number or personal information to anyone you do not know over the phone.
- Listen for references to INS (Immigration and Naturalization Services). Some scammers say they are from the INS, or can help you with an INS application. The INS no longer exists, so this is a scam.
- If someone contacts you by phone claiming to be a USCIS officer calling to report a problem with your application, and asks for payment or personal information such as your A-number or Social Security number, this is likely a scam. Hang up, and do not give them any information or money. If you are not sure if USCIS called you, hang up and make an Infopass appointment to report the phone call and ask if USCIS tried to contact you. You can do this by visiting <https://infopass.uscis.gov/>.
- Don't accept offers of legal help from notario publicos. In some Latin American countries, notario publicos (notaries public) are attorneys. In the U.S., notaries public are not lawyers and have no legal training; they only are approved to witness official document signing. Some notarios count on immigrants not knowing this, and pretend they have legal expertise. Do not see a notario for immigration help.
- Local businesses sometimes advertise that they can get you asylum, a green card, a work permit, or other benefits more quickly than if you applied directly to USCIS, if you pay them a higher fee than USCIS charges. This is a scam.
- Some dot-com websites offer instructions and USCIS forms for a fee. Some also pretend to be part of USCIS. Never pay to download a form, because you can download them

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for free on the official USCIS website. Remember the USCIS website ends with “.gov,” not “.com.”

- Beware of visa lottery emails. You may get emails claiming you won the diversity visa lottery or green card lottery, or that someone can help you win for a fee. These scams are increasing, especially for people who have applied for the visa lottery. The diversity visa lottery is a program that allows 50,000 applicants from countries with low immigration rates to be chosen each year, and is **only** administered by the U.S. Department of State. Visit <http://travel.state.gov/content/visas/english/immigrate/diversity-visa.html> for information if you have applied.

### ***Other Tips to Avoid Fraud and Scams***

Even if you are very careful, you may still fall victim to a scam. Or you may receive services from an inexperienced or careless lawyer or representative who makes mistakes that could harm your case, such as failing to tell you about application deadlines. Be sure to take the following steps while working with any legal services provider, so if mistakes happen, you can show a judge later that you took all the proper steps to file your application. Tip: A good provider will encourage you to take these steps as well.

- Get receipts with dates and amounts for any payments you make to any legal services provider.
- Ask your lawyer to give you a copy of every application or document he or she files for you.
- Keep a calendar or document in which you write down each date you visit your lawyer, and what happens during this visit. Write down each time you call, especially if he or she often does not return your calls. Make a note of any missed deadlines, or if your lawyer does not give you copies of applications.

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- USCIS will mail you or your lawyer a receipt after receiving your application. Ask your lawyer for a copy of this receipt.
- Keep all documents, receipts, and copies of applications in a safe place.
- Do not sign any blank forms, or sign anything without fully understanding what you are signing. If your lawyer asks you to sign documents without explaining what they are, this may be a warning sign of fraud or bad practice.
- If you are seeing a lawyer, you can check [www.justice.gov/eoir/discipline.htm](http://www.justice.gov/eoir/discipline.htm) for a list of lawyers who have been disciplined by EOIR for bad practice of immigration law. (Note: this website will only list lawyers who have gotten into trouble.) You can also check with your state’s “bar association” (which allows lawyers to practice) to make sure your lawyer is licensed and has not been disciplined.
- If you are seeing a BIA accredited representative, you can make sure the organization is accredited by visiting [www.justice.gov/eoir/ra/raroster.htm](http://www.justice.gov/eoir/ra/raroster.htm) and clicking, “Recognized Organizations List.”

### ***How Do I Find a Lawyer or BIA Accredited Representative?***

There are different ways to find an expert to help with your immigration case. Many organizations provide free or low-cost representation to immigrants who cannot afford a lawyer.

**For a list of free or low cost immigration legal services providers in your state, please visit the following websites:**

- AILA (American Immigration Lawyers Association) Immigration Lawyer Referral Service: [www.ailalawyer.com](http://www.ailalawyer.com), (202-216-2400)
- National Lawyers Guild, National Immigration Project: [www](http://www).

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- [nationalimmigrationproject.org](http://nationalimmigrationproject.org), (617-227-9727)
- Immigration Law Help: [www.immigrationlawhelp.org](http://www.immigrationlawhelp.org) (search by state)
- EOIR Free Legal Services Provider List: [www.justice.gov/eoir/probono/states.htm](http://www.justice.gov/eoir/probono/states.htm) (search by state)

The Guide lists providers by state in Chapter 27, “Directory of Immigration Legal Services Providers,” and suggests general resources, including organizations that can help you find legal services for your specific needs, in Chapter 28, “Important Phone Numbers and Websites.”

You can find a list of BIA accredited organizations near you by visiting [www.justice.gov/eoir/ra/raroster.htm](http://www.justice.gov/eoir/ra/raroster.htm) and clicking “Recognized Organizations List.” You can also find BIA accredited organizations by calling your local resettlement agency (see Chapter 25, “Directory of Resettlement Agencies”).

If you cannot find an immigration expert, you can use the Florence Project’s self-help guide, available at [www.firrp.org/media/HowToApplyForAsylumWithholding-en.pdf](http://www.firrp.org/media/HowToApplyForAsylumWithholding-en.pdf).

### How Do I Check the Status of My Application?

If you applied for asylum affirmatively, you can check the status of your case at <https://egov.uscis.gov/cris/Dashboard/CaseStatus.do>, or call the USCIS National Customer Service Center at 1-800-375-5283. You will likely be asked for your name, date of birth, A-number, and a receipt number for your pending application. If you have questions about your application, you can make a free Infopass appointment to speak to a USCIS representative at <https://infopass.uscis.gov/>.

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If you applied defensively, your case is in Immigration Court and you will receive updates on the proceedings. If you wish to check the date of your next hearing, case status, or other information, call the Executive Office for Immigration Review’s Case Information System at 240-314-1500 or 1-800-898-7180. You will need your A-number.

### How Do I Prove My Status?

If you applied for asylum affirmatively with USCIS, you will receive a receipt after filing, which serves as proof of your application for asylum while your case is reviewed.

If you filed your petition in court, you unfortunately will not receive a receipt, and it is harder to prove your status as an asylum seeker. If you need to prove your status to immigration officials, use your A-number or any court documents or orders from Immigration Judges, including your Notice to Appear (NTA), the document explaining why you are being called to court for removal proceedings.

Some asylum seekers will also be able to get an EAD, or work permit. If you receive one, your permit will have the code (c)(8) for Asylum Applicant, and you should use this to prove your status. Work permits are discussed later in this handout.

### What Happens to My Case If I Am Arrested or Accused of a Crime?

There can be very serious consequences if you break the law in the U.S. Not only can you go to jail, but **many crimes in the U.S. that may not seem serious can make you ineligible for asylum, and can get you deported—even if you have won asylum and have**

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**a green card.** Some acts that are not illegal in other countries may be illegal in the U.S., such as physically harming a child or spouse, following someone who does not want to be followed, or having sexual relations with a person under the age of 18 if you are older.

**If you are convicted of an “aggravated felony,” you are ineligible for asylum.** (However, you may still be eligible for withholding of removal, if you were sentenced to less than five years total and you can prove to the judge that it was not a particularly serious crime and that you are not a danger to the community.)

For a full list of aggravated felonies, see § 101(43) of the INA (Immigration and Nationality Act), which you can find at [www.uscis.gov/iframe/ilink/docView/SLB/HTML/SLB/act.html](http://www.uscis.gov/iframe/ilink/docView/SLB/HTML/SLB/act.html), or ask a lawyer or BIA representative. Some common aggravated felonies, which make you ineligible for asylum if you received a sentence of one year or more (even if you did not have to serve the full year!) are

Crimes of violence, murder, theft, burglary, rape, sexual abuse of a minor, firearms offenses, gambling offenses, fraud or tax evasion, document fraud, failure to appear in criminal court in certain circumstances, and felony alien smuggling (bringing other immigrants into the U.S. illegally).

\* Many drug crimes (even involving marijuana/pot), and trafficking in drugs, firearms (weapons), or explosives will make you ineligible for asylum, no matter what sentence you received.

**If you are convicted of a “particularly serious crime,” you are ineligible for asylum.** The law does not define “particularly serious crime,” but it is up to the Immigration Judge to decide. The judge

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will take into consideration the nature of the crime, the length of your sentence, whether the crime was against a person or property, and whether your crime makes you a danger to the community.

**Important!** If you have been arrested and accused or convicted of criminal activity, you will likely need an immigration lawyer **and** a criminal defense lawyer. **Make sure your criminal defense lawyer knows your immigration status**—otherwise he or she might advise you to take action that could harm your status. Ask your immigration lawyer to communicate with your criminal defense lawyer to make sure they both have all the information they need to help you the most.

For more important information on what to know before dealing with criminal issues, while facing criminal charges, and after your criminal proceedings end, please see Chapter 4, “What Are the Immigration Consequences of Criminal Convictions?” in the Guide.

### **What Are My Rights If I Am Arrested?**

It is very important that you know what your rights are if you are arrested. Please read the Guide, Chapter 5, “What Are Your Rights If You Have Been Arrested?” A brief summary is below.

#### If You Are Arrested Because You Are Accused of a Crime

##### *You Have the Right to Remain Silent*

If the police, ICE, Federal Bureau of Investigation (FBI), or any law enforcement agent approaches you for a criminal matter, you have the right to remain silent. This means that you do not have to answer any questions until you talk to your lawyer. However, **you do NOT have the right to lie to police or immigration officials.** This is a crime, and could result in your deportation and inability to return

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to the U.S. If you do not want to answer any questions, it is very important that you do not lie, but instead state that you wish to speak to a lawyer before answering questions.

### *You Have the Right to Be Free From Unreasonable Searches and Seizures*

If the police stop you on the street, an officer can frisk you, which means pat your clothing to see if you are carrying anything illegal. If they stop you in a car, they can search without a warrant if they have a good reason to suspect illegal activity. Usually to search or enter your house, the police must show you a warrant. If they do not have one, you do not have to let them in. Even if they have a warrant and enter, you still have the right to remain silent.

### What If Immigration Arrests Me?

ICE officials may ask to see your immigration papers. Show them any ID or papers mentioned above in the section “How Do I Prove My Status?” If you do not, they may arrest you. *Do not* lie about your status, or present fake papers or papers that belong to someone else. If you have an attorney, request to contact them immediately.

*Do not* sign anything, especially an “Order of Voluntary Departure” or anything admitting that you used false identification or travel documents, without talking to a lawyer first.

If ICE detains you, they may decide to begin removal (deportation) proceedings, activate an old removal order (if you have one against you), hold you in custody, or release you. ICE must make this decision within 48 hours of placing you in detention. If they have not, ask for a list of free lawyers.

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### How Do I Get My Personal Property After I Am Released From Detention?

When you entered detention, an officer took your property and gave you two receipts. Form G-589 describes personal property, including documents and cash. Form I-77 is a ticket for your luggage and describes what’s inside. When you left detention, you and the officer should have checked that you received everything written on the G-589 and I-77 forms. There are three reasons why you might not leave with all your property:

- You gave a shipping address for large luggage. The address where your luggage was sent and the date it was sent should also be written on the appropriate I-77 form.
- ICE may keep your original documents in your A-file (the file with your case information) until your case is over. If your case is over, ICE may reserve the right to appeal, and keep your documents through the appeal process.
- Something was lost.

### ***If ICE Keeps Your Documents***

If you are released on bond or parole before you receive a decision on your case, ICE attorneys might not return your passport or ID until after your case is over. They may want to use your documents as evidence in your case. This can make it difficult for you to access basic services. Sometimes, your lawyer will be able to convince ICE to agree to make copies of your documents for their records, and give you the originals.

If you win your case, ICE may decide to appeal the judge’s decision. ICE must appeal within 30 days. If you have not been notified of

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an appeal within 30 days, you can get back your documents. To find out if your case is being appealed, call the USCIS information hotline at 1-800-375-5283, or check the status of your case online at <https://egov.uscis.gov/cris/Dashboard/CaseStatus.do>.

To get back your documents, call the detention center and ask for help. If you remember the name of your deportation officer, ask for him or her directly. If you do not, ask for the processing unit.

### ***If ICE Sent Your Documents Somewhere Else***

If your deportation officer sent the documents to another ICE office, it may be more difficult to find them again. Ask your deportation officer to give you the address of the ICE office where your documents were sent.

Fill out a Form G-884, Request for the Return of Original Documents, at [www.uscis.gov/g-884](http://www.uscis.gov/g-884). Make a photocopy to keep. Send the completed original form by mail with a return receipt, available at the post office, to the ICE office that holds the documents you want back. Call the USCIS National Customer Service Center at 1-800-375-5283 if you do not know the address of the ICE office that holds your documents.

### ***Get a Copy of Your Medical Record***

If you saw the doctor while you were in detention, ask for a copy of your medical record. If you were receiving medical care when you were released from detention, they should have given you a “discharge plan to ensure continuity of medical care.” This is a written copy of your medical records and what you will need to do to still receive care after you are released. If you do not have your medical record, call the detention center and ask them to send the copy to you or to your lawyer.

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For more details, see Chapter 6, “How to Get Your Personal Property After You Are Released from Detention,” in the Guide.

### **Must I Notify the Government When I Move or Change My Address?**

You must notify USCIS within **10 days** of changing your address. Otherwise, you could be arrested, charged a fine, forced to serve time in jail, and possibly deported. To notify USCIS of your change of address, fill out Form AR-11, Change of Address, which you can find at [www.uscis.gov/ar-11](http://www.uscis.gov/ar-11).

If your case is in Immigration Court or the BIA, you also must notify the court system that you are moving separately. You must notify the court within **five days** of your move. You can get the change of address form from the Immigration Court or online at [www.justice.gov/eoir/eoirforms/eoir33/ICadr33.htm](http://www.justice.gov/eoir/eoirforms/eoir33/ICadr33.htm) if your case is in Immigration Court, and [www.justice.gov/eoir/eoirforms/eoir33bia.pdf](http://www.justice.gov/eoir/eoirforms/eoir33bia.pdf) if your case is at the BIA.

For more information, see the Guide, Chapter 8, “What You Must Do When You Change Your Address.”

### **Can I Reunite with My Family?**

Unfortunately, you cannot bring your family to the U.S. while you wait for your asylum claim to be decided. However, you must list your spouse and children on your I-589, Application for Asylum and Withholding of Removal, when you apply for asylum. If your spouse and unmarried children under 21 are already in the U.S., you can add them, and they will be included in your application. If your spouse and unmarried children under 21 are not in the U.S.,

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you may apply to bring them if you are granted asylum, within two years of receiving asylum.

If you are granted asylum, you can apply one year later for lawful permanent resident (LPR) status (a green card). Once you are granted LPR status, you may apply to bring your spouse or unmarried children of any age. If you eventually become a U.S. citizen, you may apply to bring your spouse and children of any age, whether they are unmarried or married; and you may also apply to bring your parents and siblings (brothers and sisters) once you are over 21 years old.

### **Can I Travel Outside of the United States?**

Asylum seekers should not travel, especially to countries where you fear persecution, because USCIS will likely assume you have abandoned your asylum application, even if you tell them you have not.

If you need to travel for urgent reasons, you must obtain permission beforehand, called "Advance Parole." Fill out Form I-131, Application for Travel Document, available at [www.uscis.gov/i-131](http://www.uscis.gov/i-131). Check the box indicating you are applying for an Advance Parole. If approved, this will allow you to return to the U.S. after brief travel abroad. You should consult an attorney before doing this, and should really only do so in urgent situations.

### **Can I Vote?**

You are not allowed to vote in federal elections. Voting could put your application in danger and make you subject to deportation.

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### **What Is the Selective Service, and Am I Required to Sign Up?**

All men living in the U.S. between ages 18 and 25, regardless of immigration status, must register for selective service. This is not a military draft. Registering tells the government that you are available to serve in the U.S. armed forces if the government ever ordered a military draft. However, a draft is highly unlikely.

If you have a Social Security number, go online to register for Selective Service at <https://www.sss.gov/RegVer/wfRegistration.aspx>. You can also bring your Social Security card to any post office and fill out the Selective Service form. If you do not have a Social Security number, you must send a copy of your Social Security card when you get one. When you send it, also put your complete name, date of birth, Selective Service registration number, and current mailing address. Mail it to:

Selective Service System  
P.O. Box 94636  
Palatine, IL 60094-4636

To speak with someone from the Selective Service, call 847-688-6888.

### **Can I Join the Military?**

Asylum seekers cannot join the U.S. Military.

### **Do I Have the Right to Work?**

Asylum seekers do not automatically have the right to work. You

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may apply for a work permit, or “Employment Authorization Document,” (EAD) 150 days after you have applied for asylum. If approved, you will be eligible to receive your work permit 180 days after you applied for asylum. If you are given a “recommended approval for a grant of asylum” before the 150 days, you can apply for a work permit immediately.

**However,** USCIS and EOIR (the Immigration Courts) use something referred to as the “asylum EAD clock” to determine when the 180-day period is up and you become eligible for a work permit. The clock starts running when you file (or “lodge”—more on this below) a complete asylum application. It stops running (so days stop being counted for credit towards eligibility) when you or your lawyer cause any delay. Once the delay has been resolved, the clock should restart.

Asylum seekers often end up waiting years for a work permit, because many unexpected and common actions count as “applicant-caused” delays and stop the clock. Some of these delays are necessary to build a case, such as asking for more time to find a lawyer, gather evidence, work on a case; or rejecting an initial hearing date that you cannot attend. Unfortunately, EOIR does not consider these delays to be resolved (allowing the clock to restart) until the next hearing date. So if an asylum seeker is given a hearing in 14 days and asks for more time to find a lawyer, or the lawyer asks for more time to work on the case, the court may not schedule the next hearing for months or even years. The EAD clock does not run this entire time, so applicants remain ineligible for work permits.

Additionally, increasing backlogs in Immigration Court have led to asylum seekers being scheduled for initial hearings months and sometimes years down the line, which means they have not had the opportunity to file an asylum application to start the EAD clock.

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Because of all the problems the asylum clock caused, new rules were recently implemented to make it easier for asylum seekers to get work permits. For more information on these rules and getting a work permit, see Chapter 15, “How to Get a Work Permit,” in the Guide. The most important thing to know about the new rules is that a new process called “lodging” allows asylum seekers to submit an asylum application to the Immigration Court clerk before their hearing, for purposes of starting the EAD clock only, so they do not have to wait for a hearing to start accumulating time on the clock.

### ***How to “Lodge” an Asylum Application***

Not everyone may lodge an application. Only asylum seekers who plan to file an asylum application defensively (who are in removal proceedings in Immigration Court), but have not yet done so, may lodge. You may not lodge if you are applying affirmatively through USCIS (those who are not in removal proceedings), or if USCIS referred your case to an Immigration Judge (because you already have an application on file, so your clock started). Those who are eligible to lodge may only do so once, and must do so before filing in Immigration Court. Be sure to lodge your application at the correct Immigration Court, where your case is pending.

There are two ways to lodge an asylum application:

- Applicants can take the complete asylum application to their Immigration Court’s public window and lodge in person with the clerk.
- Or, applicants can lodge a complete asylum application by mail or courier. If submitting by mail or courier, you **must** include the following:
  - A self-addressed, stamped envelope (or comparable return delivery packaging), AND

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- o A cover page, or a prominent note at the top of the first page of the asylum application, stating that it is being submitted for the purpose of lodging.

The court clerk will stamp the application “lodged not filed,” return the application to the asylum seeker, and give the asylum seeker a 180-day Asylum EAD Clock Notice. The clerk sends notification to DHS that an application was lodged, and the EAD clock starts.

**Important!** A lodged application is not considered filed! The Immigration Court does not keep a copy of the application. **You must still file a complete asylum application in Immigration Court during your hearing.** Lodging is only for the purposes of notifying DHS that an applicant will be filing an application in the future, so the applicant can start accumulating the 180 days required to be eligible for a work permit.

Note: Make sure your application is complete. This means all questions on the I-589 must be answered, it must be signed, and must include any supporting evidence as required on the application. However, you can still submit additional evidence later at your asylum interview or court hearing if you do not have everything when you wish to lodge the application.

### ***Other Important Changes in the New Rules***

The new rules made several other important changes. If your case is “expedited,” judges now must give you an individual hearing that is at least 45 days past your master calendar, to give more time to prepare the case, and so you do not have to ask for a later date and thus further delay EAD eligibility. However, you must accept this date, or the clock will stop due to applicant-caused delay. If you lost your case before a judge and appealed to the BIA, now

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your asylum clock will start up again if the BIA sends your case back to the judge to make a new decision. Unfortunately, it still stops when you lose your case, and does not start again until the appeal is complete at the BIA, and only if the BIA sends it back to Immigration Court. If this happens, however, you will be credited for all the days you lost while your appeal was pending.

Additionally, if you miss a hearing (which you should not do unless you have an emergency!) USCIS will mail you a letter giving you 45 days to give a good reason. (You still must have a good reason, like an emergency out of your control.) Finally, judges are now required to let asylum seekers and their lawyers know the consequences of asking for case delays for various reasons, and whether it will stop the asylum clock and delay your work permit process.

### ***Other Common Types of Delays***

Courts consider many other common issues to be applicant-caused, which therefore stop the EAD clock. If you delay your case by getting your fingerprints done late, or if you are in affirmative proceedings and cannot find an interpreter to bring to your USCIS interview, the clock will stop. (Although if your case is before Immigration Court, an interpreter will be provided for you.) If USCIS or the court requests more evidence, the clock will stop from the time of the request to the next hearing, which could be very far in the future. It will also stop if you delay your case by requesting time to gather additional evidence. Requests to transfer USCIS interviews to a different office, even if you move, will cause delay. Likewise, requests to transfer a case to a different Immigration Court can cause delay; however, the clock will not stop if the two hearing locations share “administrative control” of the case. The clock sometimes stops if a defensive asylum seeker “contests the charges of removability” (that is, if you tell the court you do not agree with

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the charges against you), or apply for another form of relief, such as a T- or U-visa.

### ***How to Address These EAD Clock Problems***

Although you should try to avoid unnecessary delays, sometimes such delays are necessary, and offer the best chance for relief, such as applying for another form of relief. Your lawyer may be able to argue that the clock should not stop for certain types of delays. You and your lawyer may take the following steps if you have problems or questions about the clock:

If you are in affirmative proceedings (your case is before USCIS)

- All questions on the EAD clock should be directed to the points of contact (POCs) at the Asylum Office with jurisdiction over the case. They can be found on the USCIS's Asylum Division's page on Asylum Employment Authorization and Clock Contacts, at [www.uscis.gov/sites/default/files/files/nativedocuments/EAD\\_and\\_KLOK\\_POCs\\_4\\_30\\_14.pdf](http://www.uscis.gov/sites/default/files/files/nativedocuments/EAD_and_KLOK_POCs_4_30_14.pdf).

If you are in removal proceedings and are applying defensively (your case is in Immigration Court)

- Address the issue to the judge in your hearing.
- If you feel the judge did not address your problem, raise it with the court administrator in writing.
- If you feel the court administrator did not address your problem, contact the Assistant Chief Immigration Judge in writing.
- If your case is on appeal (during which time the clock will not run) and you believe more time should have accumulated before the clock stopped when Immigration Court rejected

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your case, contact the EIOR Office of General Counsel in writing.

You may find the contact information for the above offices on EOIR's Immigration Court Listing page, at: [www.justice.gov/eoir/sibpages/ICadr.htm](http://www.justice.gov/eoir/sibpages/ICadr.htm).

If you think you were unable to get your work permit in the past because of any of the problems described above, ask a BIA accredited representative or lawyer for help. Chapter 27 in the Guide can point you to a legal services provider. You may also contact the Legal Action Center at [asylumclock@immcouncil.org](mailto:asylumclock@immcouncil.org), or the Northwest Immigrant Rights Project at [asylumclock@nwirp.org](mailto:asylumclock@nwirp.org).

### ***How to Apply for a Work Permit (EAD)***

To apply for a work permit, fill out Form I-765, available at [www.uscis.gov/i-765](http://www.uscis.gov/i-765). You do not have to pay for your first work permit. Submit the following documents:

- Copy of your I-94 Arrival/Departure Record
- Copy of a government-issued ID, such as a passport or state ID card
- Two identical 2x2 color photographs of yourself, taken within 30 days of the application, with your name and A-number written on the back.
- Evidence you have submitted an application for asylum, such as:
  - A copy of the USCIS acknowledgment mailer you received in the mail, or any other evidence your asylum application was filed with USCIS, or
  - Evidence you filed a Form I-589 (asylum application) with an Immigration Judge, or
  - Evidence you lodged your asylum application with

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- Immigration Court, or
- o Evidence your application remains under administrative or judicial review.

### **Can I Get a Social Security Number (SSN)?**

#### ***What Is a Social Security Number (SSN)?***

A Social Security number is a 9-digit number the U.S. government assigns to U.S. citizens and some immigrants. You need it to access certain government services and to get a job. The government uses it to track your income from working to determine how much tax you owe. Be very careful to keep your Social Security card in a secure place and to not let other people know your SSN to reduce your risk for identity theft (when someone steals your personal information and uses it without your permission).

#### ***Can I Apply for a Social Security Number?***

Asylum seekers can apply for a SSN, but will receive a restricted Social Security card, which will state either "VALID FOR WORK ONLY WITH DHS AUTHORIZATION," or "NOT VALID FOR WORK," depending on whether you are eligible to work.

It can be difficult for asylum seekers to get a SSN, because Social Security requires two forms of ID, and ICE (Immigrations and Customs Enforcement) may hold asylum seekers' passports until the case is complete. If ICE has your passport or other ID, your lawyer may be able to convince ICE to make a photocopy for its records and return the original to you to take to Social Security.

#### ***How Do I Apply?***

You must fill out Form SS-5, Application for a Social Security Card, available at [www.ssa.gov/online/ss-5.pdf](http://www.ssa.gov/online/ss-5.pdf). You must complete and

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sign the form in person at a Social Security office. Find your local office at [www.socialsecurity.gov/locator](http://www.socialsecurity.gov/locator). You must also bring original documents or copies certified by the issuing agency showing 1) U.S. citizenship or immigration status (including DHS permission to work), 2) age, and 3) identity.

1. For a list of documents you can use to prove your status, view Social Security's list at [www.ssa.gov/pubs/EN-05-10096.pdf](http://www.ssa.gov/pubs/EN-05-10096.pdf), and see the section "How Do I Prove My Status?" above.
2. To show your age, you may submit your birth certificate, U.S. hospital record of your birth, passport, or U.S. Immigration document.
3. To prove your identity, you must submit a document that is current, and that shows your name, identifying information, and preferably a photograph.

For more information, call Social Security at 1-800-772-1213. If you are deaf or have trouble hearing, call the TTY number, 1-800-325-0778. See also Chapter 16, "How to Get a Social Security Number," in the Guide.

### **Can I Get a State Identification (ID) Card?**

A state ID card shows your photograph, signature, address, birthday, sex, eye color, hair color, height, and weight. You can show it to employers, landlords, banks, and other businesses or agencies that ask to see "photo ID" to prove who you are. Each state makes its own rules as to whether asylum seekers are allowed to get state IDs. Call an immigrant services organization or lawyer in your state to find out.

If you are eligible to apply for a state ID, call your local Department of Motor Vehicles (DMV) office to know what documents you will

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need to bring. The DMV in your state may be called the “motor vehicle administration” (MVA) or the “division of motor vehicles” or something similar.

Depending on your state, you may also be allowed to get a driver’s license. This will be expensive and will involve taking driving classes and passing a driving test. **You cannot drive in the U.S. unless you have a driver’s license. You also cannot drink alcohol and drive while you are still under the influence of alcohol. Driving without a license and driving while under the influence of alcohol can both lead to your arrest and deportation.** Because it takes a long time to learn to drive and to obtain your license, you may want to get a state ID first, and worry about driving later.

Note: If you are eligible for a work permit, your permit will have your photograph and other important information. Use this as a photo ID.

### **What Cash or Food Assistance Can I Access?**

Unfortunately, the federal government does not make many cash or food assistance programs available to asylum seekers. Many asylum seekers find the most help from churches, mosques, synagogues, or other faith communities or faith-based organizations. These organizations may be able to help you with money, food, and a place to stay. Ask people in your community for the names of community organizations that help asylum seekers or migrants.

Even though the federal government does not provide many benefits, you should always check with your state, because each state makes its own rules on who is eligible for state benefits, and some states have certain benefits for asylum seekers.

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You will always be eligible for the following services, regardless of status:

- Short-term, non-cash emergency disaster assistance
- Other non-cash services necessary to protect life and safety (as long as no income qualifications are required for eligibility), including:
  - Child/adult protective services
  - Federal programs that address weather emergencies & homelessness
  - Shelters for domestic violence victims, runaway children, and the homeless
  - Soup kitchens
  - Community food banks
  - Meals-On-Wheels
  - Medical, public health, & mental health services necessary to protect public safety
  - Violence and abuse prevention
  - Disability/substance abuse services necessary to protect life and safety
  - Programs that protect children, workers, and community residents.

### ***Additional Programs for Families***

If you are pregnant or have an infant or young child, you may be eligible for the “Women, Infants, and Children” (WIC) program. WIC provides food vouchers or coupons, health care referrals, and nutrition education for low-income pregnant women, mothers up to a year after having a child, and children under five years old. Call 1-800-WIC-WINS (1-800-942-9467) or go online to [www.fns.usda.gov/wic/](http://www.fns.usda.gov/wic/) to find the office nearest you.

If you have children, you may be eligible for Early Head Start and

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Head Start. These are childcare programs that focus on education, health, and social development. For more information, contact your local school or the Head Start Bureau online at [www.acf.hhs.gov/programs/ohs](http://www.acf.hhs.gov/programs/ohs) or 1-202-205-8572.

If you have children enrolled in school, they may be eligible for free breakfast and lunch programs, which are offered by some schools. Contact your local public school for more information or ask about this when you enroll them in school.

### **Do I Have Access to Healthcare?**

Asylum seekers are also unfortunately not eligible for as many healthcare options as those who have won their cases, but do have some options.

**If you ever have a life-threatening medical emergency, dial 911 on any phone.** Give your name and the address from which you are calling and describe the symptoms you are having. If necessary, an ambulance will take you to a hospital for treatment. It does not matter whether you can pay. Some examples of an emergency are a life-threatening wound or giving birth.

You are eligible to receive the following medical services:

- Medical assistance for emergency care, which includes emergency Medicaid, emergency room care, and labor and delivery.
- Public health assistance for immunizations (shots to prevent diseases) and testing and treatment for communicable diseases.

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### ***Health Insurance***

Medical care in the U.S. can be very expensive. Many Americans have health insurance, a system that allows you to pay a certain amount each month to a health insurance company to receive discounted health care services in return, like doctor's appointments, medical procedures, and medications.

Health insurance also can be expensive. Some states have discounted programs for people who do not make enough money, called Medicaid. Asylum seekers are usually not eligible for Medicaid, but you should check with your state, because each state makes its own rules. Some states make Medicaid available to asylum seekers who are children or pregnant women.

### ***Torture Treatment Programs***

Many asylum seekers experienced torture in their home countries. If you have experienced torture, torture treatment programs exist in many states that provide medical help, as well as other physical, mental, and emotional treatment programs. The following organizations can provide information on torture treatment programs near you. Additionally, please see Chapter 26, "Directory of Torture Treatment Providers," in the Guide, for a list of programs by state.

- Heal Torture: [www.healtorture.org](http://www.healtorture.org)
- National Consortium of Torture Treatment Programs: [www.ncttp.org](http://www.ncttp.org)
- Torture Abolition and Survivors Support Coalition International (TASSC): 202-529-2991, [www.tassc.org](http://www.tassc.org)
- Substance Abuse and Mental Health Services Administration: 24-hour mental health referral service: 1-800-662-HELP (4357), TTY: 1-800-487-4889, [www.samhsa.gov/treatment/index.aspx](http://www.samhsa.gov/treatment/index.aspx)

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### ***Options for Asylum Seekers with Work Permits***

Asylum seekers with work permits are eligible to apply for affordable health insurance plans under the Affordable Care Act (ACA), also called “Obamacare.” The ACA created new health insurance “Marketplaces” or “exchanges,” where you can compare the plans side by side. No plan can turn you down for illnesses or medical conditions you have.

You will need to fill out a single application for the Marketplace, and there are many resources available to help you. You can access the Marketplace at [www.healthcare.gov](http://www.healthcare.gov), or by calling 1-800-318-2596. The application for Marketplace insurance now appears in over 30 languages at <http://marketplace.cms.gov/applications-and-forms/individuals-and-families-forms.html>.

Your state may run its own Marketplace, or it may use the Federal Marketplace. You can learn about your state’s system and where to apply in your state at [www.healthcare.gov/what-is-the-marketplace-in-my-state](http://www.healthcare.gov/what-is-the-marketplace-in-my-state).

You should get someone to help you review and apply for plans. You can find help from a Marketplace “Navigator,” or someone whose job it is to help you understand the Marketplace, by filling in where you live at <https://localhelp.healthcare.gov>.

To learn more about the ACA, visit [www.healthcare.gov/immigration-status-and-the-marketplace/](http://www.healthcare.gov/immigration-status-and-the-marketplace/).

### ***Additional Tips on How to Find Healthcare***

Federally qualified health centers provide medical care to individuals regardless of immigration status, and often work on a sliding scale. That means you pay only what you are able based on your income.

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Go to [www.bphc.hrsa.gov](http://www.bphc.hrsa.gov) and type your zip code in the “find a Health Center” box to find a health center.

A “Healthy Living Toolkit,” which covers information about healthcare, hygiene, and physical and mental health, can be found at [www.refugees.org/resources/for-refugees--immigrants/health/](http://www.refugees.org/resources/for-refugees--immigrants/health/). Additionally, the Office of Refugee Resettlement (ORR) has helpful resources on healthcare for immigrants here: [www.acf.hhs.gov/programs/orr/health](http://www.acf.hhs.gov/programs/orr/health).

Dental care is care for your teeth. It is important to make regular dental check-ups twice a year and call the dentist if you have tooth pain, because problems with your teeth can cause many other dangerous health problems, including heart disease. Often schools where students are studying to be dentists will offer affordable or even free dental work. Look in the phone book or online for listings of area universities and colleges that have dental schools or free/low cost dental clinics. Ask if there are free or discounted programs for asylum seekers.

If you were in immigration detention and saw a doctor while detained, it is important that you get your medical records from detention, and give them to any doctors you see.

Emotional and mental health are considered just as important as physical health in the U.S. If you feel depressed, anxious, scared, or overwhelmed, it is important that you seek help from a therapist, social worker, or other mental health service provider. The Substance Abuse and Mental Health Services Administration (SAMHSA) provides information about service providers throughout the country. You may use their online service provider locator at <http://store.samhsa.gov/mhlocator> or you can call 1-877-726-4727 (1-877-SAMHSA7).

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Sometimes people become so depressed, they consider committing suicide (killing themselves). If you or someone you know feels suicidal, call the National Suicide Prevention Hotline immediately at 1-800-SUICIDE (1-800-784-2433) or 1-888-SUICIDE (1-888-784-2433). For Spanish, dial: 1-877-SUICIDA (1-877-784-2432).

### **Do I Have Access to Affordable Housing?**

Housing is also very difficult and sometimes very expensive for asylum seekers. Sometimes churches, mosques, synagogues, or other faith communities or faith-based organizations have shelters or homes for asylum seekers. They may also be able to help you find a room to rent or stay in that is in someone's home.

Community or immigration services organizations may be able to help you find housing. Your lawyer may also be able to help. Ask people in your community for the names of organizations that help asylum seekers or migrants. Ethnic community organizations may exist in your community that have specialists who speak your language and offer help to immigrants. They may be able to offer advice on housing. Visit [www.acf.hhs.gov/programs/orr/resource/ethnic-community-self-help-grants](http://www.acf.hhs.gov/programs/orr/resource/ethnic-community-self-help-grants) to find an ethnic community organization near you, or contact one to ask for a referral in your area.

If you are homeless and need shelter, see [www.homelesshelterdirectory.org/](http://www.homelesshelterdirectory.org/) for a list of homeless shelters in your state.

**If you or your children are the victim of abuse by your partner or spouse and you are afraid to stay in your home, call the National Domestic Violence Hotline at 1-800-799-7233 or 1-800-787-3224 or go online to [www.thehotline.org](http://www.thehotline.org).**

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For more information, see Chapter 20, "How to Access Housing," in the Guide.

### **Can I Access Childcare and Education?**

In the U.S., leaving your children at home alone is often considered "neglect," a form of child abuse. If you leave your child at home alone, the state government may take your child away from you. Check with your state's child welfare agency to learn the age requirements in your state: [www.childwelfare.gov/pubs/reslist/rl\\_dsp\\_website.cfm?rs\\_ID=16&rate\\_chno=AZ-0004E](http://www.childwelfare.gov/pubs/reslist/rl_dsp_website.cfm?rs_ID=16&rate_chno=AZ-0004E).

If family or friends are not available to care for your children while you work, Head Start is a federal program that cares for young children and prepares them for school. Eligibility is based on financial need. To learn more, see <http://eclkc.ohs.acf.hhs.gov/hslc/hs/about>.

In the U.S., every child, regardless of their immigration status, has the right to a free public education kindergarten through grade 12. If you are the parent or guardian of a child under the age of 18, by law you are required to send your child to school. Some states require school attendance only through age 16. Visit your state's Board of Education website for more information.

For more information, see Chapter 21, "How to Access Education and Childcare," in the Guide.

### **When Can I Apply for a Green Card or U.S. Citizenship?**

You cannot apply for a green card, or lawful permanent resident (LPR) status, unless you win your asylum case. You can apply for a green card one year after winning your asylum case. For more information,

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see Chapter 10, “How to Get Your Green Card,” in the Guide.

In addition to meeting many other requirements, you may apply for U.S. citizenship after you have held LPR status for five years. For more information, see Chapter 11, “How to Become a U.S. Citizen,” in the Guide.

### Further Resources and Information

Please see the Guide for more detailed information on other topics that may be helpful to you throughout the asylum process. For information on financial safety, including bank accounts, credit cards, budgeting, and avoiding financial scams, see Chapter 22, “How to Keep Your Money Safe and Make It Grow.” See Chapter 23, “How to Get Emotional Support,” to find support for difficult issues and feelings you are dealing with as an asylum seeker. To find groups in your community that share similar cultures or beliefs, see Chapter 24, “Religious, Cultural, and Community Groups.”

The following lists of organizations may also be useful:

Chapter 26: Directory of Torture Treatment Providers

Chapter 27: Directory of Immigration Legal Services Providers

Chapter 28: Important Phone Numbers and Websites



If you have any questions, concerns, or comments about this supplement, or the *First Steps* guide, please contact the Detained Torture Survivors’ Legal Support Network at Lutheran Immigration and Refugee Service at [firststeps@lirs.org](mailto:firststeps@lirs.org).

## ACKNOWLEDGMENTS

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